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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER FERNANDEZ RIVAS, OMAR F				
ART UNIT		PAPER NUMBER		
2129				

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,438	Applicant(s) ROSKIND ET AL.	
	Examiner Omar F. Fernández Rivas	Art Unit 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>D1, D2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are pending on this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of Malik et al (US Patent Application 09/923,320, referred to as **Simpson**; US Patent Application 10/135,929, referred to as **Malik**).

Claim 1

Simpson teaches an electronic assistant to handle instant messages sent from a first user to an instant message program of a second user when the second user is away or offline (**Simpson**, abstract: 1-9);

wherein the assistant: receives a first instant message from the first user (**Simpson**, paragraph 25: 1-3);

in response to the first instant message, sends the first user an instant message that indicates that the second user is away or offline (**Simpson**, paragraph 84: 1-2);

receives a second instant message from the first user, wherein the second instant message contains a request that the electronic assistant take an action related to the away or offline status of the second user (**Simpson**, paragraph 92);

and in response to the request, takes the requested action (**Simpson**, paragraph 92).

Claim 2

Simpson teaches the requested action includes having the assistant take a message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-4);

the assistant, to take the requested action, takes the message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-10);

and the assistant forwards the message to the second user (**Simpson**, paragraph 92: 1-10).

Claim 3

Simpson teaches the requested action includes providing the first user with information related to the away or offline status of the second user (**Simpson**, paragraph 84: 1-2);

and the assistant, to take the requested action, sends the first user an instant message containing information related to the away or offline status of the second user (**Simpson**, paragraphs 84 and 87).

Claim 4

Simpson does not teach the assistant accesses stored information about recent history of the away and/or offline status of the second user.

Malik teaches the assistant accesses stored information about recent history of the away and/or offline status of the second user (**Malik**, paragraph 61: 3-7; Examiner Note (EN): If the user is not logged on, it's presence is offline). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to access stored information about the history of the offline status of the second user for the purpose of having an indication of whether or not a user is offline at a given time to determine a procedure to establish an instant messaging communication with the user.

Claims 5 and 15

Simpson teaches the requested action includes providing the first user with information related to the away or offline status of the second user (**Simpson**, paragraph 84: 1-2);

the assistant, to take the requested action, sends the first user an instant message containing information related to the away or offline status of the second user (**Simpson**, paragraphs 84 and 87).

Simpson does not teach the information provided to the first user that relates to the away or online status of the second user is based, at least in part, on the stored information about recent history of the away and/or offline status of the second user.

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Malik teaches the information provided to the first user that relates to the away or online status of the second user is based, at least in part, on the stored information about recent history of the away and/or offline status of the second user (**Malik**, paragraph 62: 15-19). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to provide information to the first user relating to the away or offline status of the second user based in the recent history of the away and/or offline status of the second user for the purpose of notifying the first user of the availability of the second user at a given time.

Claim 6

Simpson teaches the requested action includes having the assistant take a message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-4);

the assistant, to take the requested action, takes the message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-10);

the assistant forwards the message to the second user (**Simpson**, paragraph 92: 1-10).

Simpson does not teach the message is forwarded based, at least in part, on the stored information about recent history of the away and/or online status of the second user.

Malik teaches the message is forwarded based, at least in part, on the stored information about recent history of the away and/or online status of the

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second user (**Malik**, paragraph 62: 1-7). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to forward the message based on the stored information about recent history of the away and/or online status of the second user for the purpose of taking the appropriate determination of how to forward the message in case the second user is offline.

Claim 7

Simpson does not teach the assistant accesses stored calendar information for the second user.

Malik teaches the assistant accesses stored calendar information for the second user (**Malik**, paragraph 62: 9-13). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to access stored calendar information for the second user to determine the status of the user at a given time.

Claims 8 and 16

Simpson teaches the requested action includes providing the first user with information related to the away or online status of the second user (**Simpson**, paragraph 84: 1-2);

the assistant, to take the requested action, sends the first user an instant message containing information related to the away or online status of the second user (**Simpson**, paragraphs 84 and 87).

Simpson does not teach the information provided to the first user that relates to the away or offline status of the second user is based, at least in part, on the stored calendar information.

Malik teaches the information provided to the first user that relates to the away or offline status of the second user is based, at least in part, on the stored calendar information (**Malik**, paragraph 62: 15-19). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to provided the first user with information that relates to the away or offline status of the second user based, at least in part, on the stored calendar information for the purpose of letting the first user know of the availability of the second user at a given time.

Claim 9

Simpson teaches the requested action includes having the assiste taking a message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-4);

the assistant, to take the requested action, takes the message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-10);

the assistant forwards the message to the second user (**Simpson**, paragraph 92: 1-10).

Simpson does not teach the message is forwarded based, at least in part, on the stored calendar information.

Mailik teaches the message is forwarded based, at least in part, on the stored calendar information (**Malik**, paragraph 62: 1-7). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to forward the message based, at least in part, on the stored calendar information for the purpose of determining how the message will be forwarded depending on the availability of the second user at a given time.

Claim 10

Simpson teaches the assistant accesses stored information about other ways of contacting the second user (**Simpson**, paragraph 54: 1-7).

Claims 11 and 17

Simpson teaches the requested action includes providing the first user with information related to the away or offline status of the second user (**Simpson**, paragraph 84: 1-2);

the assistant, to take the requested action, sends the first user an instant message containing information related to the away or offline status of the second user (**Simpson**, paragraphs 84 and 87);

and the information provided to the first user that relates to the away or offline status of the second user is based, at least in part on the stored information about other ways of contacting the second user (**Simpson**, paragraph 54).

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Claim 12

Simpson teaches the requested action includes having the assistant take a message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-4);

the assistant, to take the requested action, takes the message from the first user for delivery to the second user (**Simpson**, paragraph 92: 1-10);

the assistant forwards the message to the second user (**Simpson**, paragraph 92: 1-10);

and the message is forwarded based, at least in part, on the stored information about other ways of contacting the second user (**Simpson**, paragraph 54).

Claims 13 and 18

Simpson teaches the requested action includes providing the first user with information related to the away or offline status of the second user (**Simpson**, paragraph 84: 1-2);

the assistant, to take the requested action, sends the first user an instant message containing information related to the away or offline status of the second user (**Simpson**, paragraphs 84 and 87);

the information provided to the first user that relates to the away or offline status of the second user is based, at least in part, on a trust level for the first user (**Simpson**, paragraph 83: 4-7; EN: a buddy list is considered a trust level since only those in the buddy list can exchange messages with the user).

Claim 14

Simpson teaches a natural language interface component to perform processing on an instant message to determine if the instant message is requesting that the electronic assistant take an action related to the away or offline status of the second user (**Simpson**, abstract: 1-9);

and a response component to determine and send a response to an instant message requesting that the electronic assistant take an action related to the away or offline status of the second user, wherein the response is related to the requested action (**Simpson**, abstract: 3-9);.

Claim 19

Simpson does not teach the action includes taking a message from the first user for delivery to the second user and the assistant further comprises a message component to forward a message left by the first user for delivery to the second user according to a determination of when and to where the message should be forwarded for the second user to receive the message.

Malik teaches the action includes taking a message from the first user for delivery to the second user and the assistant further comprises a message component to forward a message left by the first user for delivery to the second user according to a determination of when and to where the message should be forwarded for the second user to receive the message (**Malik**, paragraph 61: 3-7; paragraph 62: 23-31). It would have been obvious to one of ordinary skill in the

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arts at the time of invention to use the teachings of Malik to include a message component to forward a message left by the first user for delivery to the second user according to a determination of when and to where the message should be forwarded for the second user to receive the message for the purpose of making it possible to reach the second user on the device where the user is available to receive the message.

Claims 20 and 28

Simpson does not teach the message component accesses stored information about recent history of the away and/or offline status of the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message.

Malik teaches the message component accesses stored information about recent history of the away and/or offline status of the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message (**Malik**, paragraph 61: 3-7). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to access stored information about recent history of the away and/or offline status of the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message for the purpose of making a determination of how to route the message to the second user at a given time.

Claims 21 and 29

Simpson does not teach the message component accesses stored calendar information for the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message.

Malik teaches the message component accesses stored calendar information for the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message (Malik, paragraph 62: 9-13). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to accesses stored calendar information for the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message for the purpose of making a determination of how to route the message to the second user at a given time.

Claim 22 and 30

Simpson does not teach the message component accesses stored information about other ways of contacting the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message.

Malik teaches the message component accesses stored information about other ways of contacting the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive

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the message (**Malik**, paragraph 25: 9-15). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to access stored information about other ways of contacting the second user to determine when and to where the message left by the first user should be forwarded for the second user to receive the message for the purpose of detecting a device where the message can be received by the second user at a given time.

Claim 23

Simpson teaches receiving instant messages sent to the away or offline user from a first user (**Simpson**, abstract: 1-9);

in response to at least one of the instant messages requesting information related to the away or offline status of the away user, providing, to the first user, information related to the away or offline status of the away or offline user (**Simpson**, paragraph 83: 1-4).

Simpson does not teach receiving a message left by the first user for delivery to the away or offline user; determining when and to where the message left by the first user should be forwarded for the second user to receive the message; and forwarding the message according to the determination of when and to where the message should be forwarded.

Malik teaches receiving a message left by the first user for delivery to the away or offline user (**Malik**, paragraph 62: 23-26); determining when and to where the message left by the first user should be forwarded for the second user

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to receive the message (**Malik**, paragraph 61: 3-7); and forwarding the message according to the determination of when and to where the message should be forwarded (**Malik**, paragraph 62: 27-31). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to receive a message left by the first user for delivery to the away or offline user; determine when and to where the message left by the first user should be forwarded for the second user to receive the message; and forwarding the message according to the determination of when and to where the message should be forwarded for the purpose of detecting through which device to send the message so that the second user can be contacted at a given time.

Claim 24

Simpson does not teach accessing stored information about recent history of the away and/or offline status of the away or offline user to determine the information, to be provided to the first user, that relates to the away or offline status of the away or offline user.

Malik teaches accessing stored information about recent history of the away and/or offline status of the away or offline user to determine the information, to be provided to the first user, that relates to the away or offline status of the away or offline user (**Malik**, paragraph 61: 3-7). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik to access stored information about recent history of the away and/or offline status of the away or offline user to determine the information, to be

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provided to the first user, that relates to the away or offline status of the away or offline user for the purpose of having means to let the first user know of the availability of the second user to receive messages at a given time based on past information.

Claim 25

Simpson does not teach accessing stored calendar information for the away or offline user to determine the information, to be provided to the first user, that relates to the away or offline status of the away or offline user.

Malik teaches accessing stored calendar information for the away or offline user to determine the information, to be provided to the first user, that relates to the away or offline status of the away or offline user (**Malik**, paragraph 62: 7-13). It would have been obvious to one of ordinary skill in the arts at the time of invention to use the teachings of Malik accessing stored calendar information for the away or offline user to determine the information, to be provided to the first user, that relates to the away or offline status of the away or offline user for the purpose of having means to let the first user know of the availability of the second user to receive messages at a given time.

Claim 26

Simpson teaches accessing stored information about other ways of contacting the away or offline user to determine the information, to be provided to

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the first user, that relates to the away or offline status of the away or offline user
(**Simpson**, paragraph 54: 1-7).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Luzzatti et al, US Patent application 09/916,220

Low et al, US Patent Application 10/136,022

Aggarwal et al, US Patent 6,260,148

4. Claims 1-30 are rejected.

Correspondence Information

5. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandez.rivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

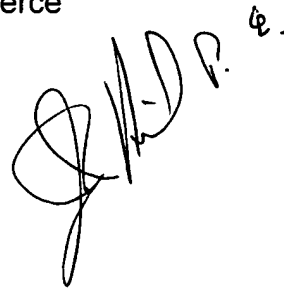
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Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

Tuesday, November 15, 2005

OFR

A handwritten signature in black ink, appearing to read "OFR", with a small "e." to the right.